



THE ATTORNEY GENERAL OF TEXAS

Gerald C. Mann
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ATTORNEY GENERAL

AUSTIN 11, TEXAS

February 7, 1939

Hon. Charles T. Bannister
Criminal District Attorney
Corsicana, Texas

Dear Sir:

Opinion No. O-234

Re: Merging Justice of Peace Precincts
and extending jurisdiction of jus-
tice precincts from one precinct to
another.

Your request for an opinion of the following question:

"What is the proper procedure in extending jurisdic-
tion of a Justice of Peace and Constable from one pre-
cinct to another precinct where Justice of Peace has
resigned?"

Article 5, Sec. 18 of the Constitution and Article 2351, subdivi-
sion 1, Revised Civil Statutes, require the Commissioners' Court of each
county to lay off the county into justice precincts not less than four nor
more than eight in number.

The case, *State vs. Rigsby*, 43 SW 271, holds in effect that the
Commissioners' Court in the exercise of their powers may merge two precincts
into one or may re-define the boundaries of the two precincts of a county,
leaving the other precincts unchanged.

The case, *Hasting et al vs. Townsend County Attorney*, 136 SW 1143,
holds among other things that the Commissioners' Court has power to change
the boundaries of a justice precinct at will.

The case of *Brown vs. Meek*, 96 SW (2d) 839, holds that "the Commis-
sioners' Court has power, when lawfully exercised, to pass order re-district-
ing county into new justice of peace precincts to become effective in the
future and that the Commissioners' Court has power to create new justice
precincts for the convenience of the people."

In view of the foregoing authorities, you are respectfully advised that it is the opinion of this Department that the Commissioners' Court has the power and authority to merge two justice precincts into one or may re-define the boundaries of two precincts of the county, leaving the other precincts unchanged and that this may be done at any time within the discretion of the Commissioners' Court and the only procedure prescribed for merging two precincts into one or re-defining the boundaries of justice precincts is by proper order of the Commissioners' Court duly entered of record in the minutes of the Commissioners' Court, provided that the number of justice precincts shall not be less than four nor more than eight in number in any county.

Trusting that the foregoing answers your inquiry, we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/ Ardell Williams

Ardell Williams
Assistant

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APPROVED

Gerald C. Mann

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